

ESTTA Tracking number: **ESTTA106905**

Filing date: **10/30/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                           |   |
|---------------------------|---|
| Proceeding                | 91172981  |
| Party                     | Defendant<br>GITZIT, Inc.<br>GITZIT, Inc.<br>P.O. Box 3039 667 Red Rock Rd.<br>, UT 84771   |
| Correspondence<br>Address | MATTHEW F. JOHNSTON<br>BERENATO WHITE & STAVISH<br>6550 ROCK SPRING DRIVE, SUITE 240<br>BETHESDA, MD 20817-1173<br><br>mjohnston@bwsiplaw.com |
| Submission                | Answer  |
| Filer's Name              | Matthew F. Johnston   |
| Filer's e-mail            | mjohnston@bwsiplaw.com  |
| Signature                 | /mj/  |
| Date                      | 10/30/2006  |
| Attachments               | gitzit-ans_20061030144402.pdf ( 2 pages )(71311 bytes )   |

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Opposition No. 91172981

4. As to paragraph 5, Applicant is without sufficient information to form a belief regarding Opposer's consent and thus denies this allegation. Applicant further denies the remaining allegations contained in paragraph 5.

5. As to paragraphs 6-7, Applicant denies the allegations contained therein.

6. As to paragraph 8, Applicant denies that Opposer has any rights in the mark and thus denies that registration would interfere with Opposer's rights. Applicant acknowledges and admits that registration would provide Applicant with prima facie exclusive rights in the mark.

7. As to paragraphs 6-7, Applicant denies the allegations contained therein

Wherefore, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to Applicant for its mark.

Respectfully submitted

Matthew F. Johnston  
Attorney for Applicant  
October 30, 2006

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing APPLICANT's ANSWER was mailed first class mail, postage prepaid, to Peter K. Hahn, Esq. LUCE, FORWARD, HAMILTON & SCRIPPS, 600 West Broadway, Suite 2600, San Diego, California 92101, Attorney for Opposer, this 30<sup>th</sup> day of October 2006.

Matthew F. Johnston  
October 30<sup>th</sup> 2006.